

**REMARKS**

With this amendment, claims 1, 6, and 11-13 have been amended. The Applicant has carefully and thoughtfully considered the Office Action and the comments therein. For the reasons given below, it is submitted that this application is in condition for allowance.

***Rejections under 35 U.S.C. § 112***

In the Office Action on page 2, section 3, claims 1, 6, and 11-13 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. It is respectfully submitted that amended claims 1, 6, and 11-13 are not indefinite. In response to the Examiner's discussion, claims 1, 6, and 11-13 have been amended to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, claims 1, 6, and 11-13 have been amended to delete the recitation of "method" from each of claims 1, 6, and 11-13. Hence, amended claims 1, 6, and 11-13 are not indefinite. Claims 2-5, and 7-10 are dependent from claims 1 and 6, and are likewise not indefinite.

***Rejections under 35 U.S.C. § 101***

In the Office Action on page 2, section 3, claims 1, 6, and 11-13 are rejected under 35 U.S.C. § 101, as being an improper process claim. It is respectfully submitted that amended claims 1, 6, and 11-13 are not indefinite. In response to the Examiner's discussion, claims 1, 6, and 11-13 have been amended to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, claims 1, 6, and 11-13 have been amended to delete the recitation of "method" from each of claims 1, 6, and 11-13. Hence, amended claims 1, 6, and 11-13 are not indefinite. Claims 2-5, and 7-10 are dependent from claims 1 and 6, and are likewise not indefinite.

### ***Prior Art of Record***

In the Office Action on pages 2-3 in section 3, claims 1-13 are alleged to be anticipated by U.S. Patent No. 6,381,053 to Fathallah *et al.* (hereinafter Fathallah). Applicants respectfully disagree with this allegation.

As per amended claim 1, the Office Action asserts that Fathallah teaches an optical transmitter comprising an encoder and a receiver comprising a decoder using gratings to provide delays. Fathallah, however, does not teach amended claim 1 for at least the following reason.

Specifically, Fathallah does not teach a time delay for time spread/wavelength hopping encoding **and** chromatic dispersion. Amended claim 1 recites, "an encoder for encoding multi-wavelength pulses corresponding to electric sending data by use of time spread/wavelength hopping in accordance with an encoding pattern of the encoder itself, wherein the encoder concurrently executes time delay for every wavelength component at encoding, and time delay due to pre-compensation processing to pre-compensate for difference in propagation time for every wavelength component, occurring due to chromatic dispersion characteristics of a transmission line between the optical transmitter and an optical receiver opposed thereto by  $\alpha\%$  ( $0 \leq \alpha \leq 100$ ).” Instead Fathallah teaches introducing a predetermined time delay in spectral components. Fathallah, Column 4, lines 52-54. Claim 1 is therefore allowable over Fathallah.

Independent claims 6 recites similar features as those recited in amended claim 1 and are therefore allowable over Fathallah as well.

Claims 2-5, and 7-13 are dependent from claims 1 and 6, and are allowable as being variously dependent from an allowable claim.

### ***Conclusion***


All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any

reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

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